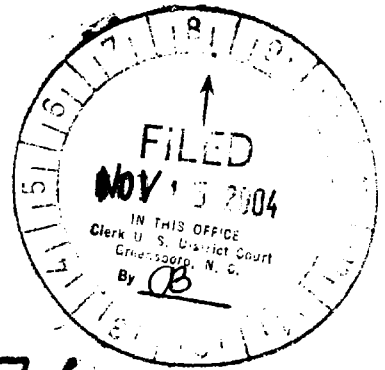


**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**



Scottie Lee Graves,

Plaintiff,

v.

Charlene Warren, et al.,

Defendant(s).

1:04 CV 01076

ORDER AND RECOMMENDATION OF MAGISTRATE JUDGE ELIASON

Plaintiff, a prisoner, has submitted a civil rights action pursuant to 42 U.S.C. § 1983. The form of the complaint is such that serious flaws make it impossible to further process this complaint.

The problems are:

1. Filing fee was not received nor was a proper affidavit to proceed in forma pauperis submitted, with sufficient information completed or signed by the plaintiff, to permit review. [Attached forms, instructions.] The clerk of court will enclose a current version of the affidavit forms which provides space for all the necessary information.
2. The complaint is not on forms prescribed for use by this Court, nor is the information requested by such forms and necessary to process the complaint pursuant to 28 U.S.C. § 1915A contained in plaintiff's submission. See LR 7.1(e).
3. Plaintiff has failed to provide a sufficient number of copies. Plaintiff must submit the original, one copy for the court, and one copy for each defendant named.

Consequently, this particular complaint should be dismissed, but without prejudice to plaintiff filing a new complaint, on the proper Section 1983 forms, which corrects the defects of the present complaint. To further aid plaintiff, the Clerk is instructed to send plaintiff new Section 1983 forms, instructions, an application to proceed in forma pauperis, and a copy of pertinent parts of Fed. R. Civ. P. 8 (i.e. Sections (a) & (e)).

In forma pauperis status is granted for the sole purpose of entering this order of dismissal with permission to file a new complaint which corrects the defects of the present complaint.

IT IS THEREFORE ORDERED that in forma pauperis status is granted for the sole purpose of entering this order. The Clerk is instructed to send plaintiff Section 1983 forms,

instructions, an application to proceed in forma pauperis, and a copy of pertinent parts of Fed. R. Civ. P. 8 (i.e. Sections (a) & (e)).

IT IS RECOMMENDED that this action be filed and dismissed sua sponte without prejudice to plaintiff filing a new complaint, on the proper Section 1983 forms, which corrects the defects cited above.

November 15, 2004


United States Magistrate Judge